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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,360	09/14/2005	Kazuyuki Miyata	1207-120	5536
23117 7590 10/22/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER PILKINGTON, JAMES	
			ART UNIT 3656	PAPER NUMBER
			MAIL DATE 10/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,360	Applicant(s) MIYATA ET AL.	
	Examiner JAMES PILKINGTON	Art Unit 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/14/05 12/01/05 12/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 9/14/05 and 12/01/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylindrical portion of the upper case extending from a radially inner peripheral edge (clm 2), and an outer peripheral-side cylindrical suspended portion (clm 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 2 and 5 are objected to because of the following informalities:
- Clm 2, line 7 should read - -surface opposed to the cylindrical side surface of the upper casing, - -
 - Clm 5, line 1 appears to currently reads "...according to 4 claim 1..." should be - - according to claim 1 - -

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide support for “an outer peripheral-side cylindrical suspended portion.” Other than the cylindrical portion of the upper casing there is support for only one peripheral side cylindrical portion 15. Is this claim meant say an inner...or an outer? Or is there an additional projection shown in the drawings but not discussed?

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ueno, USP 5,476,326.

Ueno discloses a strut sliding bearing comprising:

- an upper casing (2, flip Figure 1) made of a synthetic resin (C3/L65) and having an annular lower surface (in contact with 4);
- a lower casing (3) which is made of a synthetic resin (C3/L65), is superposed on said upper casing (2) so as to be rotatable about an axis of said upper casing (center of assembly),
- an annular upper surface (surface of 3 in contact with 4) opposed to the annular lower surface (surface of 2 in contact with 4) of said upper casing (2);

- an annular thrust sliding bearing piece (4) which is made of a synthetic resin (C4/L1-2), and is interposed between the annular lower surface and the annular upper surface,
- wherein said lower casing (3) has on a lower surface thereof a spring seat surface for a suspension coil spring (a spring can sit upon the lower surface of 3 and is therefore a spring seat)

8. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by JP2002-257146 (US equivalent Ueno, USP 6,918,701 used in discussion below).

Ueno discloses a strut sliding bearing comprising:

- an upper casing (3) made of a synthetic resin (C4/L10) and having an annular lower surface (39);
- a lower casing (2) which is made of a synthetic resin (C4/L10), is superposed on said upper casing (3) so as to be rotatable about an axis of said upper casing (center of assembly),
- an annular upper surface (14) opposed to the annular lower surface (39) of said upper casing (3);
- an annular thrust sliding bearing piece (4) which is made of a synthetic resin (C4/L13-14), and is interposed between the annular lower surface (39) and the annular upper surface (14),
- wherein said lower casing (2) has on a lower surface (84) thereof a spring seat surface for a suspension coil spring (holds seat plate 86)

- a tubular radial sliding bearing piece (5), wherein said upper casing (3) includes an upper annular portion (38) on which the annular lower surface (39) is formed and a cylindrical portion (37) extended integrally downward from a radially inner peripheral edge of the upper annular portion (38) and having a cylindrical side surface (36), said lower casing (2) having a cylindrical side surface (11) opposed to the cylindrical side surface (36) of the upper casing (3), said radial sliding bearing piece (5) being interposed between the cylindrical side surface (36) of the cylindrical portion (37) of said upper casing (3) and the cylindrical side surface (11) of said lower casing (2)
- wherein said lower casing (2) includes an inner peripheral-side cylindrical projecting portion (16) integrally projecting upward from the annular upper surface (14) on a radially inner peripheral side and an outer peripheral-side cylindrical projecting portion (15) integrally projecting upward from the annular upper surface (14) on a radially outer peripheral side, said thrust sliding bearing piece (4) being disposed between the inner peripheral-side cylindrical projecting portion (14) and the outer peripheral-side cylindrical projecting portion (15)
- wherein said upper casing (3) includes an inner peripheral-side cylindrical suspended portion (52) integrally suspended downward from the annular lower surface (39) on the radially inner peripheral side and an outer peripheral-side cylindrical suspended portion (40) integrally suspended

downward from the annular lower surface (39) on a radially outer peripheral side, said thrust sliding bearing piece (4) being disposed between the inner peripheral-side cylindrical suspended portion (52) and the outer peripheral-side cylindrical suspended portion (40)

- wherein said lower casing (2) includes an annular base portion (84); an upper cylindrical portion (13) which is integrally formed on an upper surface of the annular base portion (84) and on which the annular upper surface (14) is formed; and a lower cylindrical portion (86) formed integrally on a lower surface of the annular base portion (84), the lower surface of the annular base portion on a radially outer side of the lower cylindrical portion serving as the spring seat surface
- wherein said upper casing (3) includes an upper annular portion (38) on which the annular lower surface (39) is formed and a cylindrical portion extended (41) integrally downward from a radially outer peripheral edge of the upper annular portion (39)
- Wherein the [reinforced] synthetic resin used to make the bearings and casing includes at least one of polyacetal resin, polyamide resin, thermoplastic polyester resin, polyolefin resin, and fluororesin (C4/L9-36)
- wherein said upper casing is adapted to be resiliently fitted and secured to said lower casing (adapted via 45 and 17)

- a suspension coil spring (85) seated at one end thereof on a spring seat surface of said lower casing.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP 6,257,605 discloses a spring seat formed homogenously or monolithically with the lower bearing housing and JP2001-27227 is similar to the '701 reference used above and a translation of this document has been requested.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES PILKINGTON whose telephone number is (571)272-5052. The examiner can normally be reached on Monday - Friday 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. P./
Examiner, Art Unit 3656
10/17/08

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3656